

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WELLS FARGO BANK, N.A., AS TRUSTEE	:
FOR THE REGISTERED HOLDERS OF	:
CREDIT SUISSE FIRST BOSTON MORTGAGE	:
SECURITIES CORP., COMMERCIAL	:
MORTGAGE PASS-THROUGH	:
CERTIFICATES, SERIES 2005-C2, BY AND	:
THROUGH ITS SPECIAL SERVICER,	:
CWCAPITAL ASSET MANAGEMENT LLC,	:
	: Case No.: 16-cv-09112 (LGS)
	:
Plaintiff,	:
	:
v.	:
	:
390 PARK AVENUE ASSOCIATES, LLC; et al.	:
	:
Defendants.	:
	:
-----X	

**NOTICE OF PLAINTIFF’S MOTION
TO DISMISS COUNTERCLAIMS,
WITH PREJUDICE**

NOTICE IS HEREBY GIVEN that Plaintiff Wells Fargo Bank, N.A., as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2005-C2, by and through its Special Servicer, CWCapital Asset Management LLC (the “Trust”), will move the Court, at a date and time set by the Court, for an Order dismissing, *with prejudice*, the counterclaims asserted in Defendant 390 Park Avenue Associates, LLC’s Amended Answer and Affirmative Defenses and Counterclaims to the Complaint for Foreclosure of a Leasehold Mortgage [Docket No. 61] pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim.

PLEASE TAKE FURTHER NOTICE that the Trust will rely on the Declaration of Heather Deans Foley, together with the exhibits attached thereto and the Memorandum of Law in Support of Plaintiff’s Motion to Dismiss Counterclaims, *With Prejudice*, filed contemporaneously herewith, as well as the record before the Court in this matter.

Dated: August 18, 2017

VENABLE LLP

Rishi Kapoor
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-and-

By: /s/ Heather Deans Foley
Gregory A. Cross (admitted *pro hac vice*)
Heather Deans Foley (admitted *pro hac vice*)
Venable LLP
750 East Pratt Street, Suite 900
Baltimore, Maryland 21202
Telephone: (410) 244-7400
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2017, I served a copy of the foregoing Notice of Plaintiff's Motion to Dismiss Counterclaims, *With Prejudice* on the following via electronic delivery and first class mail, postage prepaid:

Raymond Nicola Hannigan
Herrick, Feinstein LLP
Two Park Avenue
New York, New York 10016
Counsel for Defendants 390 Park Avenue Associates, LLC

/s/ Heather Deans Foley
Heather Deans Foley